

FILED
U.S. DISTRICT COURT

2013 APR 15 A 9:51

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

BECKY L. COATS

Plaintiff,

vs.

STATE OF UTAH DEPARTMENT OF
WORKFORCE SERVICES

Defendant,

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case No. 2:11-CV-0755

Before the court is the Report and Recommendation issued by United States Magistrate Judge Evelyn Furse on March 25, 2013, recommending that the district court grant defendant's motion to dismiss (Dkt. No. 14) with prejudice because the court lacks subject matter jurisdiction pursuant to defendant's Eleventh Amendment immunity. (Dkt. No. 33.)

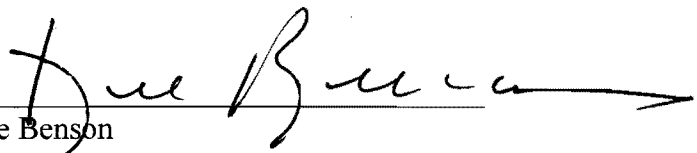
The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. On April 4, 2013, plaintiff filed an objection to the Report and Recommendation. (Dkt. No. 36.) No other objections were filed.

Having reviewed the relevant materials and the reasoning set forth in the magistrate judge's Report and Recommendation, the court agrees with the analysis and conclusion of the magistrate judge, notwithstanding plaintiff's objection.

Accordingly, the court ADOPTS the Report and Recommendation and orders that defendant's motion to dismiss be GRANTED. Plaintiff's complaint is therefore DISMISSED with prejudice. In light of the present order, the court finds that the parties' other pending motions (Dkt. Nos. 14, 22, and 24) are moot.

IT IS SO ORDERED.

DATED this 15th day of April, 2013.


Dee Benson
United States District Judge